

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Richard A. Weltzin et al.	Confirmation No.:	1402
Serial No:	10/826,680	Art Unit:	1648
Filed:	April 16, 2004	Examiner:	Stuart Snyder
Customer No.:	21559		
Title:	Vaccinia Virus Strains		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Acambis Inc., the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), Acambis Inc. hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of U.S. Patent No. 7,115,270. Acambis Inc. does not disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent No. 7,115,270 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally

disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney of record certifies that Acambis Inc., a corporation, is the assignee of the entire right, title, and interest in the application by virtue of:

An assignment from the inventors of the application. The assignment was Recorded in the Patent and Trademark Office at Reel 015206, Frame 0063 on September 30, 2004.

The undersigned attorney/agent of record has reviewed all the documents in the chain of title of the application and to the best of the undersigned's knowledge and belief, title is in Acambis Inc.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in the application. Any patent granted on the application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

Pursuant to 37 C.F.R. § 1.321(b)(4), Applicants charge \$65.00 for the fee set forth in 37 C.F.R. § 1.20(d) to Deposit Account No. 03-2095, to which any additional required charges or any credits should be made.

Respectfully submitted,

Date: September 22, 2007

Susan M. Michaud
Susan M. Michaud, Ph.D.
Reg. No. 42,885

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045